

Thompson vs. State, 11/10/2014

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1 Q. Okay. And they're for Michael Thompson?

2 A. Correct.

3 Q. All right. So, when you received the call  
4 from Sheriff Hamp, were you able to verify --

5 THE COURT: Let me have the court  
6 reporter mark these.

7 MS. TURNER: You want each one marked,  
8 Your Honor?

9 THE COURT: You're introducing these  
10 as Exhibit A?

11 MS. TURNER: Well, it's Exhibit 3,  
12 just cumulative, but if you want to have  
13 each of them marked, we can.

14 THE COURT: Could you just mark these  
15 as a 3, 3(A), 3(B) and so on and let it  
16 correspond with these that have already  
17 been introduced.

18 (EXHIBIT NO. 3-A THROUGH D, DOCUMENTS, WERE MARKED.)

19 THE COURT: The Court is going to  
20 receive these as the arrest warrant and  
21 then following that, the document will be  
22 Mississippi Department of Public Safety  
23 Records Bureau as Exhibit 3(A). 3(B) is  
24 the State of Mississippi abstract, court  
25 records. 3(C) has -- it's an abstract, as

1 well.

2 The first abstract, 3(B), is dated  
3 11/07/2014. 3(C) -- 3(D), State of  
4 Mississippi Uniform Traffic Ticket. They  
5 all have been marked separately as a  
6 collective Exhibit 3 and it goes to  
7 through 3(B), which is the traffic ticket;  
8 3(A), 3(B), 3(C), three -- traffic tickets  
9 is 3(D). That will be received.

10 BY MS. TURNER: (Continuing)

11 Q. All right. And, Ms. Carter, you were just  
12 here today to testify regarding these documents that  
13 have been moved into evidence, as well as the fact  
14 that you did speak with Sheriff Hamp and you  
15 notified him that the license of Mr. Montgomery  
16 {Sic} was still suspended as of February 12<sup>th</sup>?

17 A. Yes, ma'am.

18 MS. TURNER: That's all I have, Your  
19 Honor.

20 MR. COLOM: May I proceed, Your Honor?

21 THE COURT: Yes.

22 CROSS-EXAMINATION BY MR. COLOM:

23 Q. Ms. Carter --

24 A. Yes, sir.

25 Q. -- do you recall when Sheriff Hamp called

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1 you --

2 A. Uh-huh, (affirmative).

3 Q. -- and asked you about Mr. Thompson? when  
4 was it?

5 A. Can I look?

6 Q. Yes.

7 A. Wait. I don't have it anymore. It's on  
8 the abstract, the date I put on there.

9 MR. COLOM: Does the Court have the  
10 abstract? May I approach, Your Honor?

11 THE COURT: Yes.

12 BY MR. COLOM: (Continuing)

13 Q. That's 3(C). Does that say when he called  
14 you?

15 A. 2/13/2014.

16 Q. Okay.

17 THE COURT: That's 2:13 p.m.?

18 THE WITNESS: No, February 13<sup>th</sup>, 2014.

19 THE COURT: Okay.

20 THE WITNESS: Actually, in the notes  
21 it's got 2/12 I spoke with Mr. Hamp.

22 BY MR. COLOM: (Continuing)

23 Q. So, on February 12, 2014, document 3(C)  
24 shows that you talked to Sheriff Hamp?

25 A. Yes, sir.

1 Q. And you recall having that conversation  
2 with Sheriff Hamp?

3 A. Yes, sir.

4 MS. TURNER: Did she say the 12<sup>th</sup> or  
5 the 13<sup>th</sup>?

6 MR. COLOM: She says the 12<sup>th</sup>.

7 THE WITNESS: That was in -- I'm  
8 sorry. That was in the court -- the court  
9 case notes says 2/12 where I got in there  
10 that I spoke to Mr. Hamp, February 12<sup>th</sup>,  
11 2014. Sorry about that.

12 MS. TURNER: Okay.

13 BY MR. COLOM: (Continuing)

14 Q. What time did you talk with the sheriff?

15 A. I don't know.

16 Q. Was it in the afternoon?

17 A. It was in the afternoon.

18 Q. Okay.

19 A. It was after lunch.

20 Q. It was after lunch. And you recall  
21 Sheriff Hamp calling you to ask you about  
22 Michael Thompson's license, right?

23 A. Uh-huh, (affirmative).

24 Q. Is that normal for Sheriff Hamp to call  
25 you about somebody's license?

1 A. Not very.

2 Q. Okay.

3 A. I mean, occasionally, but not very.

4 Q. All right. And you told Sheriff Hamp that  
5 Mr. Thompson's license was suspended, right?

6 A. Uh-huh, (affirmative).

7 Q. You got to say yes for the record.

8 A. Oh, yes, sir. I'm sorry.

9 Q. And you are aware, based on being at the  
10 previous hearing, Mr. Thompson was stopped by the  
11 Tunica County Sheriff's Office later that day,  
12 aren't you? You're aware of that, aren't you?

13 A. Oh, yes.

14 MS. TURNER: Objection, Your Honor.  
15 She can't be aware of what other people  
16 testify to or what actually happened.  
17 She's just here to testify about what she  
18 knows. She doesn't know any of that.

19 MR. COLOM: Your Honor, she was at the  
20 last hearing. We didn't sequester the  
21 witnesses. She was there. She heard the  
22 testimony. It was an in-court statement.

23 This is cross-examination. I can  
24 establish through her if she heard -- if  
25 she recalls, during that testimony,

1           whether later that day the sheriff's  
2           office stopped Mr. Thompson for driving  
3           with a suspended license. She can testify  
4           what she recalls.

5           THE COURT: Do you recall it like  
6           that?

7           THE WITNESS: Sir?

8           THE COURT: Do you recall it on that  
9           day?

10          THE WITNESS: Honestly, I know they  
11          talked about him being stopped, but I was  
12          just ready to go home. I wasn't paying  
13          attention to what they --

14          THE COURT: But it happened on that  
15          particular day, at least you made a note  
16          on the document.

17          THE WITNESS: From what I remember  
18          them saying, but I wouldn't -- I can't  
19          swear to that because I was ready to go  
20          home. I wasn't listening. I was through  
21          with mine. I was ready to go home. But,  
22          yes, I know they talked about he was  
23          stopped around that time.

24          BY MR. COLOM: (Continuing)

25          Q.     So, the same day that Sheriff Hamp found

1 out Mr. Thompson's license was suspended, he had  
2 Capt. Jones pull Michael Thompson over to --

3 MS. TURNER: Objection, Your Honor.

4 There's no --

5 MR. COLOM: I withdraw the question.

6 I withdraw the question. No further  
7 questions.

8 THE COURT: Do you have another  
9 witness?

10 MS. TURNER: I don't, Your Honor. I  
11 rest.

12 THE COURT: Are you ready to proceed?

13 MR. COLOM: Your Honor, could I have  
14 one more question? I recall -- I didn't  
15 get a chance to ask this. It's just a  
16 quick question. It will be so short.

17 THE COURT: All right.

18 BY MR. COLOM: (Continuing)

19 Q. Let's go to Exhibit C. Now, this is with  
20 the alleged arrest warrant for Mr. Thompson, right?

21 A. Uh-huh, (affirmative)

22 Q. Exhibit 3?

23 A. Uh-huh, (affirmative)

24 Q. That's not signed by the judge, is it?

25 A. No.

1 Q. So, the arrest warrant was actually never  
2 signed to be served on Mr. Thompson, was it?

3 A. No.

4 Q. In fact, it says "void" right there?

5 A. Correct.

6 MR. COLOM: All right. Nothing  
7 further, Your Honor.

8 THE COURT: Any further questions?

9 MS. TURNER: I rest.

10 (STATE RESTS.)

11 (MOTION FOR DIRECTED VERDICT.)

12 MR. COLOM: Your Honor, at this time,  
13 we would move for a directed verdict.  
14 Based upon the law, it's clear that the  
15 State of Mississippi through the Tunica  
16 County Sheriff's Office entrapped  
17 Mr. Thompson into driving with a suspended  
18 license.

19 Your Honor, I will bring to the  
20 Court's attention Beal vs. State of  
21 Mississippi and, also, Pittman vs. State  
22 of Mississippi, which I will provide a  
23 copy to the Court, too, after I finish  
24 this argument. But Beal vs. State of  
25 Mississippi, which is cited in --



1 THE WITNESS: Judge, may I step down?

2 THE COURT: Yes, ma'am, you may step  
3 down.

4 THE WITNESS: I didn't want to walk in  
5 front of him.

6 THE COURT: You may -- do you have to  
7 leave?

8 THE WITNESS: I'd like to if I'm  
9 through.

10 THE COURT: well, any objection to her  
11 leaving?

12 MR. COLOM: No, Your Honor.

13 MS. TURNER: No.

14 THE COURT: You may leave.

15 THE WITNESS: Thank you.

16 (A BRIEF PAUSE.)

17 MR. COLOM: The cite for this, Your  
18 Honor, is 86 -- I'm just going to read  
19 this for the record. It's 86 So.3rd 887,  
20 Beal vs. State of Mississippi. It is a  
21 Supreme Court of Mississippi case. It  
22 says entrapment is an affirmative defense  
23 that must be proven by the defendant.  
24 There's two types of entrapment. One is  
25 entrapment as a matter of law.

1                   Entrapment number -- actually, Your  
2                   Honor, I'm reading from a different case,  
3                   Pittman vs. State, and its cite is 987  
4                   So.2nd 1010. It's another Supreme Court  
5                   case. It says in the Pittman case  
6                   "Entrapment as a matter of law occurs when  
7                   the conduct by law enforcement is so  
8                   offensive as to require the discharge of  
9                   the defendant." A common example of  
10                  entrapment as a matter of law is in a  
11                  supply and buy scenario where law  
12                  enforcement initially furnishes and later  
13                  purchases the contraband with which the  
14                  accused commits the crime.

15                I would submit to the Court that this  
16                is worse than that senario. If  
17                necessary -- law enforcement, they get the  
18                cocaine and give it to the defendant, and  
19                then they buy it from the defendant. So,  
20                they entrap as a matter of law. So  
21                offensive that they entrap as a matter of  
22                law. But, in that situation, at least you  
23                have a defendant who bought -- who decided  
24                to sell the cocaine.

25                In this case, it's clear from the

1 evidence, Tunica County Sheriff's Office  
2 did an investigation into Mr. Thompson  
3 shortly after Mr. Thompson had an argument  
4 with the sheriff where he told the sheriff  
5 to get out of his office.

6 This investigation, unlike what the  
7 sheriff said, Captain Jones was honest,  
8 was -- it wasn't just about Mr. Thompson's  
9 license. Capt. Jones admitted it was --  
10 it's some business dealings between the  
11 administrator and the comptroller. After  
12 they were doing this investigation, they  
13 found out that Mr. Thompson's license was  
14 suspended. Within a couple of weeks, they  
15 found out. Based on their testimony,  
16 within a couple of weeks.

17 Now, from the clerk's testimony, they  
18 found out that day he was pulled over  
19 because she testified that on February  
20 12<sup>th</sup>, sheriff made the call asking whether  
21 Michael Thompson's license was suspended.  
22 She said, yes. Later that day,  
23 Capt. Jones, coincidentally, sees Mr. Wiley  
24 and --

25 MS. TURNER: Objection, Your Honor.

1 At this point, he's getting into stuff  
2 that has not been testified here to today  
3 as far as when, the sequence of events,  
4 when the call was made, what time the  
5 arrest happened. He's getting into  
6 testimony -- he's trying to pull in stuff  
7 that we have never --

8 MR. COLOM: Your Honor, this is  
9 argument.

10 MS. TURNER: I understand it's  
11 argument, but he's referring to things  
12 that weren't testified to.

13 MR. COLOM: Your Honor, if counsel --  
14 you can recall the testimony. If my  
15 recollection of the testimony is wrong,  
16 you were there and you heard it. This is  
17 my recollection of the testimony.

18 But my recollection of that testimony  
19 is the clerk said on February 12<sup>th</sup>  
20 sheriff had called her, told her that the  
21 license -- she told him the license was  
22 suspended. Later that day, she said  
23 shortly after lunch. Later that day,  
24 around 6 when he pulled Mr. Thompson  
25 over -- later that day he runs into

1 Mr. Wiley driving the vehicle. He admits  
2 it. He said that Mr. Wiley was swerving,  
3 but he doesn't give Mr. Wiley a ticket.  
4 He said he runs Mr. Wiley's license and,  
5 for the only time I've heard of,  
6 somebody's license comes back as valid,  
7 but eligible to be reinstated.

8 Now, he's got no evidence, other than  
9 his own testimony, that that occurred;  
10 that somebody told him that. That's just  
11 his testimony, which is important because  
12 he can't give -- he can't arrest  
13 Mr. Thompson if Mr. Wiley is driving. He  
14 needs Mr. Thompson to drive because he  
15 knows Mr. Thompson's license is suspended.  
16 He admitted that he knew that.

17 So after -- he claims that he heard  
18 this from the dispatcher. He tells -- and  
19 this is not disputed. He told  
20 Mr. Thompson, "I need you to drive,"  
21 inducing him into driving. Shortly after  
22 telling Mr. Thompson he needed him to  
23 drive, he pulls him over again under the  
24 belief that he was being deceptive.

25 Your Honor, on the digressive, as the

1 Court's well aware, that's not probable  
2 cause to pull Mr. Thompson over. In fact,  
3 Capt. Jones admitted as much. He admitted  
4 that he can't pull people over because he  
5 thinks they are lying. If that were true,  
6 any citizen in the United States could be  
7 pulled over. The Fourth Amendment would  
8 mean nothing. An officer can always say,  
9 "well, I think Joe Blow is lying. I'm  
10 going to pull him over."

11 So, based on his own admission, he  
12 knows that's not probable cause to pull  
13 somebody over. The prosecutor -- he  
14 admitted the prosecutor, over break, told  
15 him to say something about a Terry stop.

16 MS. TURNER: Objection, Your Honor.  
17 Again, he's putting words into the mouth  
18 and saying things that are untrue. He's  
19 basically saying I'm telling people what  
20 to say when that specifically is not what  
21 Jones testified to.

22 MR. COLOM: Your Honor --

23 MS. TURNER: And I would ask him to  
24 refrain from trying to defame me in court.

25 MR. COLOM: Your Honor, I can promise

1 her I'm not trying to defame her. I don't  
2 know her personally at all. But I'll tell  
3 you what, I'm telling you based on my  
4 evidence, this is what -- Capt. Jones said  
5 during lunch there was a discussion  
6 amongst the three of them and Terry stop  
7 came up. Okay. That's all I'm saying.  
8 He admitted it; that it came up during the  
9 lunch break conversation with the two of  
10 them. So now, he's trying to say that's  
11 the reason. It was a Terry stop.

12 well, of course, they couldn't  
13 establish a foundation for a Terry stop  
14 because a Terry stop is when you have  
15 reasonable suspicion that somebody's  
16 committing a crime, not reasonable  
17 suspicion that somebody's lying.

18 So, even under their, you know,  
19 theory that this may have been a Terry  
20 stop, that's still not -- still no  
21 probable cause to pull them over, right?  
22 It still wasn't.

23 So, Your Honor, this is egregious  
24 conduct by the sheriff of -- the  
25 Tunica County Sheriff's Office. It's

1 abuse of power of the highest degree if I  
2 am mad at Mr. Thompson and I'm going to  
3 use my law enforcement to try to arrest  
4 him and embarrass him.

5 The sheriff said I don't know if I  
6 sent out a press release or not.  
7 Capt. Jones, the guy who chose to be  
8 honest, admitted that somebody from the  
9 office sent out a press release. Why  
10 would they do that? Because they were  
11 trying to embarrass Mr. Thompson. And so,  
12 it's egregious. It's an abuse of power.  
13 It's an enigma to the United States'  
14 Constitution and Mississippi law.

15 Now, even if the Court doesn't say  
16 this is entrapment as a matter of law,  
17 even if you don't think that's outrageous  
18 enough, it's still common law entrapment,  
19 standard entrapment. All that requires is  
20 that the officer induced the person to  
21 commit a crime. There's no doubt that  
22 Mr. -- and there's no testimony that  
23 Mr. Thompson had intended to drive.

24 In fact, the testimony is Mr. Wiley  
25 was driving. In fact, Officer Jones



1 admitted that he had no reason to believe  
2 if he hadn't stop Mr. Wiley that Mr.  
3 Thompson was driving. He had no reason to  
4 believe that. If he hadn't told  
5 Mr. Thompson he needed to drive, he had no  
6 reason to believe Mr. Thompson was going  
7 to drive a vehicle that day. So, he was  
8 induced to drive. There's no doubt about  
9 that. They offered no evidence that Mr.  
10 Thompson was predisposed to drive with a  
11 suspended license.

12 They keep assuming that Mr. Thompson  
13 knew his license was suspended. People  
14 forget to pay tickets all the time and  
15 when they forget to pay the ticket, they  
16 don't know, but that -- their license get  
17 suspended. Mr. Thompson didn't know his  
18 license was suspended. They got no  
19 evidence. They just got no evidence that  
20 Mr. Thompson knew his license was  
21 suspended. So, they got no evidence that  
22 he was predisposed to drive with a  
23 suspended license. If he doesn't know his  
24 license is suspended, he's not predisposed  
25 to drive with a suspended license.

1                   And so, even under standard  
2                   entrapment, I don't believe the Court will  
3                   find a case where it is as clear as this  
4                   as someone entrapped to do something.

5                   And what makes it -- it wasn't  
6                   entrapment just because they wanted to see  
7                   if he would drive with suspended license.  
8                   It wasn't part of a standard police  
9                   investigation. It's not coincidence. It  
10                  was done for political purposes. It was  
11                  done because they did not like  
12                  Michael Thompson's administration and they  
13                  conspired to embarrass him. Based on  
14                  that, it's entrapment as a manner of law.

15                THE COURT: Do you intend to call any  
16                witnesses?

17                MR. COLOM: Your Honor, my position  
18                will be that, at this time, based on the  
19                Court's ruling that we -- you know, we  
20                move for a directed verdict. If the Court  
21                denies that directed verdict, I want to  
22                consult with my client to determine  
23                whether he wants to waive his rights.

24                THE COURT: I'm going to -- I'm not  
25                going to do a directed verdict at this

1 point. I want to hear any testimony that  
2 you have.

3 MR. COLOM: Thank you, Your Honor.  
4 Your Honor, may I have a moment to consult  
5 with my client?

6 THE COURT: Okay.

7 (A BRIEF PAUSE.)

8 MR. COLOM: Your Honor, we're not  
9 going to call any witnesses. We will  
10 rest.

11 (APPELLANT RESTS.)

12 THE COURT: Okay. All right. If  
13 that's the case, then the Court is going  
14 to take this matter under advisement for  
15 about -- what time we have? It's 2:10.

16 (A BRIEF PAUSE.)

17 THE COURT: All right. I'm going to  
18 take it under advisement for about 20 or  
19 30 minutes at the most.

20 MR. COLOM: Thank you, Your Honor.

21 THE COURT: I got to get a chance to  
22 review what I heard and, also, the  
23 exhibits that have been introduced, as  
24 well as the cases that you cited. I want  
25 to get a chance to look at those.

1 MR. COLOM: Thank you, Your Honor.

2 THE COURT: All right. So, we'll be  
3 in recess until -- what time is it?

4 THE BAILIFF: Twelve after 2.

5 THE COURT: Twelve after 2. Would  
6 either one of you like to make a closing  
7 statement?

8 MS. TURNER: Yes, Your Honor. Your  
9 Honor, we've heard a lot of testimony  
10 today from several people. And,  
11 obviously, there's no dispute here today  
12 as to whether or not the defendant's  
13 license was actually suspended on the day  
14 in question when he was seen driving on  
15 Highway 61 North.

16 The only testimony that's been  
17 offered as any type of defense here is the  
18 defense of entrapment. Your Honor, we  
19 would like for the Court to take judicial  
20 notice, basically, from the abstracts and  
21 all the things that were brought in by  
22 Karen Carter that Mr. Thompson's license  
23 had been suspended as early as August of  
24 2013. Several months had elapsed in that  
25 period of time between August of 2013 and

1 February of 2014.

2 During that time, Mr. Hamp, if you  
3 recall, testified that he and other people  
4 had seen Mr. Thompson driving the county  
5 vehicle and other vehicles on more than  
6 one occasion while his license was  
7 suspended. Now, this is very important  
8 because the defense, as they're talking  
9 about entrapment, is someone is induced to  
10 do something that they don't normally do.

11 In this case, it's clear Mr. Thompson  
12 was driving with a suspended license on  
13 numerous occasions and was going to  
14 continue to do so. He, in fact, didn't  
15 get his license reinstated until a later  
16 date, passed the time that he was  
17 arrested. So, there's no dispute that he  
18 was driving with a suspended license on  
19 the day in question. We were able to  
20 show -- his identity was established and  
21 the -- it's a prima facie case.

22 And under the defense of entrapment,  
23 Your Honor, usually that comes in -- in  
24 the case that was cited, as far as Pittman  
25 v. State, when, in fact, a law enforcement

1 officer does something like giving drugs  
2 to an individual that doesn't normally  
3 sell drugs and then going and making a buy  
4 from them, well, that's not the case we  
5 have here at all. It's completely  
6 distinguishable.

7 what we have here is a case where the  
8 county administrator felt like he was  
9 above the law, felt like he could continue  
10 to drive however he wanted to. And, in  
11 fact, when he was pulled over, he told  
12 Officer Jones who he was. You know, I'm  
13 the county administrator. And he gave --  
14 Mr. Jones gave the driver a professional  
15 courtesy. He didn't arrest him that day,  
16 you know, even though he had committed  
17 some traffic violations. Both of the  
18 individuals in the car, he gave them  
19 professional courtesy.

20 It wasn't until he thought about it  
21 and realized that he needed to make a stop  
22 briefly just to check, to make sure,  
23 because from his recollection, he believed  
24 that his license was suspended and he, in  
25 fact, told him a lie. That, in fact, is

1 not entrapment because the individual had  
2 been driving on numerous occasions already  
3 with a suspended license.

4 Now, we haven't had an opportunity to  
5 hear from the defendant today, but we've  
6 heard from numerous people about evidence  
7 that his license was suspended. And, you  
8 know, Your Honor, it's a prima facia case.  
9 They've not been able to prove the defense  
10 of entrapment. We would submit that he's  
11 guilty and he thought he was above the law  
12 on that day as he had on several others.

13 MR. COLOM: Your Honor, I'm going to  
14 be short because I went over a lot of this  
15 in my Motion for Directed Verdict. But  
16 I'll tell you, to believe Sheriff Hamp's  
17 story, if you believe that sorry, I got a  
18 bridge in Greenville I'll sell you.

19 I mean, to believe that all that's a  
20 coincidence and they just coincidently ran  
21 into Mr. Thompson, although they had these  
22 arguments and although, you know, his  
23 license, they just happen to find that  
24 out, right? I mean, you'd have to believe  
25 a lot of stuff for you to believe that.

1           The bottom line is they say they saw  
2           Mr. Thompson drive one or two times, but  
3           they don't establish when that was. All  
4           right. They're just -- they're  
5           testifying -- if they knew his license was  
6           suspended, they saw him driving, why  
7           didn't they stop him? So, that undermines  
8           the credibility of that testimony.

9           In reality, if they found out his  
10          license was suspended on February 12<sup>th</sup>,  
11          then that's -- if he knew Mr. Thompson's  
12          license was suspended before February  
13          12<sup>th</sup>, why would he call Karen Carter and  
14          ask her? He called her because he didn't  
15          know. He found out and he decided he was  
16          going to get back at his public enemy.

17          Now, this idea is -- the audacity for  
18          this attorney to get up here and say the  
19          defendant thinks he's above the law  
20          because he's driving with a suspended --  
21          without -- without -- with his license  
22          being suspended. Do you know how many  
23          people in Mississippi are pulled over for  
24          driving with suspended licenses and don't  
25          realize it? I mean, the State of



1 Mississippi gets a lot of money from  
2 people driving with a suspended license  
3 who's also unaware that they forgot to pay  
4 their ticket. I'm a city prosecutor.  
5 It's happens all of the time. So, the  
6 idea he thought he was above the law is  
7 crazy.

8 You know, the reality is he didn't  
9 know how far the sheriff would go. He  
10 didn't know that Capt. Jones and  
11 Sheriff Hamp had conspired to get him  
12 arrested to try to embarrass him because  
13 he's new to Tunica County. I mean, the  
14 reality is he didn't get hired until 2013.  
15 Two months later, they're trying to get  
16 rid of him.

17 THE COURT: Do you believe that these  
18 were intentional acts on behalf of the  
19 sheriff's department and the deputies?

20 MR. COLOM: No doubt about it, Your  
21 Honor. I have no doubt. I think the  
22 evidence establishes it. For it not to be  
23 intentional acts, you have to believe in  
24 unbelievable consequences -- coincidences.  
25 I mean, you have to believe it's a

1 coincidence that Sheriff Hamp called the  
2 clerk February 12<sup>th</sup>, found out  
3 Mr. Thompson's license is suspended and  
4 then a captain, not a patrolman, a captain  
5 in an unmarked vehicle coincidentally that  
6 same day ran into Mr. Wiley swerving and,  
7 coincidentally, Mr. Wiley's license came  
8 back eligible -- valid, but eligible for  
9 reinstatement. Something I've never  
10 heard. Coincidentally, that happened.

11 And, coincidentally, he asked -- he  
12 told Mr. Thompson he needed him to drive.  
13 Coincidentally, he told him he needed him  
14 to drive even though he knew his license  
15 was suspended. Because without  
16 Mr. Thompson driving, they can't arrest  
17 him. So, it's not a coincidence that  
18 Mr. Wiley's license came back valid, but  
19 eligible for reinstatement or that he  
20 pulled over Mr. Wiley, but didn't give him  
21 a ticket.

22 It's not a coincidence that he was in  
23 an unmarked vehicle and didn't have his  
24 recorder on so you can't testify as -- we  
25 don't have any independent evidence of

1 what was said during the conversation.

2 Those are not coincidences, Your Honor.

3 And it's not a coincidence that he  
4 told Michael Thompson, knowing that the  
5 man's license was suspended, knowing that  
6 Mr. Thompson got behind that wheel and  
7 drove that he could arrest him. Knowing  
8 that, he told Mr. Thompson "I need you to  
9 drive." Knowing that and two minutes  
10 later he found out, coincidentally, that  
11 Mr. Wiley's license was actually valid  
12 and, coincidentally, he decided that he had  
13 probable cause to pull Mr. Thompson over  
14 because I think he's lying to me.

15 Your Honor, that's not probable cause  
16 to pull somebody over. He had no probable  
17 cause to pull Mr. Thompson over. And any  
18 information he found out subsequent to  
19 that is the fruit of an illegal stop.

20 You know, those are the factual  
21 circumstances which show that they had the  
22 intent to embarrass Mr. Thompson. Why  
23 would they send out a press release?  
24 Because, normally, a person getting  
25 arrested for driving with suspended

1 license, that's not newsworthy. But if  
2 you send out a press release on the county  
3 administrator, you let the media know the  
4 county administrator got arrested, he  
5 might be fired. And so, they won't admit  
6 that they had the intent to do it, but to  
7 believe otherwise is just -- it's just --  
8 it's beyond what's reasonably credible.  
9 It's just too many coincidences. Two  
10 weeks after Mr. Thompson slammed the door  
11 and told him to get out of his office, he  
12 gets Mr. Thompson arrested.

13 So, based on that, it's classic  
14 entrapment. They had no evidence that he  
15 was predisposed to drive with a suspended  
16 license. They had no evidence he knew his  
17 license was suspended.

18 This idea that he's above the law, it  
19 doesn't -- it's complete speculation on  
20 their part. No evidence. He was not the  
21 driver that day. He was the passenger.  
22 They made him drive. Nothing further.

23 THE COURT: Ms. Turner, do you have  
24 anything?

25 MS. TURNER: Yes, I would just like to

1 respond. Basically, what we have here is  
2 a complete speculation on the part of the  
3 defense saying that there was this great  
4 big conspiracy to target Mr. Thompson and  
5 all these things just happen to fall in  
6 place.

7 Sheriff Hamp testified himself that  
8 the real reason he called Ms. Carter, not  
9 only to check the validity of the license,  
10 but to see if he had an active warrant or  
11 not. She told him that he did. At that  
12 point, he had every right -- if he wanted  
13 to, he could have really embarrassed him,  
14 gone in his office and arrested him for an  
15 active warrant if he really wanted to  
16 embarrass him. That's one of the --

17 MR. COLOM: I want to object to that.  
18 That's false testimony.

19 MS. TURNER: No, that's --

20 MR. COLOM: Let me finish. Let me  
21 state my objection like I let you state  
22 yours.

23 MS. TURNER: Go ahead.

24 MR. COLOM: The evidence shows the  
25 arrest warrant was never signed by a

1 judge. So, this idea there was an active  
2 arrest warrant, that's false testimony.

3 THE COURT: All right. I want you two  
4 young attorneys to have more respect for  
5 each other.

6 MR. COLOM: Well, Your Honor, I was  
7 speaking for the record. She's the one  
8 being disrespectful to me. I mean, this  
9 is professional. It's not a personal  
10 thing. I mean, she's cutting me off left  
11 and right.

12 THE COURT: Both of y'all are  
13 passionate about your arguments. So, I  
14 want you to both treat it that way.

15 MR. COLOM: Thank you, Your Honor.

16 THE COURT: I'm going to let you  
17 finish, Ms. Turner.

18 MS. TURNER: Yes, sir.

19 THE COURT: And then, Mr. Colom, if  
20 you have anything further, I want you to  
21 state it.

22 MR. COLOM: Thank you, Your Honor.

23 MS. TURNER: Your Honor, there has  
24 been no evidence submitted here today  
25 there was any conduct to harp on the

1 situation wherein Mr. Thompson was the  
2 target of anything specific.

3 If they wanted to embarrass him, as  
4 counsel opposite keeps referring to, they  
5 would have gone about it in a completely  
6 different manner. Whenever Ms. Carter  
7 told him there was an active warrant,  
8 whenever she told the sheriff that, he  
9 could have just as easily, as I said, gone  
10 into his office and embarrassed him by  
11 arresting him on an active warrant and  
12 hauled him into jail. He did not have to  
13 wait until he was driving a vehicle.

14 In fact, the sheriff testified that  
15 he, himself, as well as other people knew  
16 that Mr. Thompson had been driving, had  
17 been driving the county vehicle on more  
18 than one occasion after his drivers  
19 license had been revoked.

20 Once Mr. Hamp got this information,  
21 had he really wanted to, in any way,  
22 defame Michael Thompson or target him,  
23 they would have waited until he got behind  
24 the wheel of the vehicle and pulled him  
25 over or either arrested him on the

1 warrant. This all just came into play.  
2 It wasn't coincidence.

3 Mr. Jones, Capt. Jones testified that  
4 when he saw the vehicle he did not know  
5 who was in the vehicle. He did not know  
6 who the driver was and he didn't know who  
7 the passenger was. He saw someone that  
8 was committing violations on the road,  
9 traffic violations, so he pulled them  
10 over.

11 All these things just kind of  
12 happened. It's not like he went out there  
13 that day and said, "Oh, I'm going to look  
14 for Mr. Thompson and any chance that I  
15 have to arrest him, I'm going to get him."  
16 That's not what occurred. That's not what  
17 occurred that day, Your Honor.

18 He was a passenger in the vehicle  
19 with Mr. Wiley when he was pulled over.  
20 He was not induced into driving. He was  
21 asked do you have a valid drivers license,  
22 wherein he stated that he did. Well, at  
23 the time, Capt. Jones had reasons to  
24 believe he was not being honest. So, if  
25 he wanted to drive that vehicle, he wasn't



1           forced to. He drove that vehicle on a  
2           suspended license and we've been able to  
3           prove here today that he drove that  
4           vehicle on a suspended license. He'd been  
5           driving around the county for months on a  
6           suspended license.

7           And all of this testimony that there  
8           was some kind of conspiracy going on,  
9           there's been absolutely no testimony to  
10          support that theory. There may have been  
11          some disagreements or some issues between  
12          these two individuals, Mr. Hamp and --  
13          Sheriff Hamp and Mr. Thompson. That  
14          doesn't mean that he was targeted on this  
15          day and induced into driving. I mean,  
16          there's just been no evidence of that.

17          Officer Jones stated he had a  
18          reasonable suspicion to believe that a  
19          crime was being committed. If he had  
20          overlooked that, if something had  
21          happened, it would have been on his  
22          conscious. So, he did what every law  
23          enforcement officer, every reasonable law  
24          enforcement would do under the  
25          circumstance, make a brief stop, as he

1           said, a Terry stop. It took him about a  
2           minute to run his license and then he was  
3           able to determine that, in fact,  
4           Mr. Thompson was not being truthful about  
5           that; that his licenses were, in fact,  
6           suspended.

7           Furthermore, Your Honor, counsel  
8           opposite continues to harp on this press  
9           release. There's been no testimony here  
10          today that anybody from the sheriff's  
11          department, in fact, put out a press  
12          release. He keeps insinuating that. He  
13          wants that to be the case. The only  
14          person who testified regarding a press  
15          release was -- Sheriff Hamp testified that  
16          he believes Ellis Pittman did, but not  
17          anybody from the sheriff's department that  
18          he was aware of. And he, certainly,  
19          didn't do it. He said he never did that  
20          to try to embarrass Michael Thompson.

21          There's a lot of things that could  
22          have happened a lot differently to really  
23          hurt Mr. Thompson had they wanted to if  
24          that had been their goal, okay? Whenever  
25          he found out there was an active warrant,

1 he could have said go arrest him right  
2 now. There's an active warrant. Go pick  
3 him up. He didn't do that.

4 Your Honor, I would submit that the  
5 defense of entrapment doesn't stick. It  
6 doesn't fit. It's completely outside of  
7 the scope of what happened that day and he  
8 should be found guilty by this Court.

9 MR. COLOM: Your Honor, briefly, I  
10 want to clear some stuff up with actual  
11 evidence. Because counsel opposite keeps  
12 saying there was an active arrest warrant  
13 for Mr. Thompson. She kept saying he  
14 could have arrested him, active arrest  
15 warrant. She said they could have picked  
16 him up with his active arrest warrant.

17 Your Honor, look at Exhibit 3. This  
18 is the arrest warrant, an arrest warrant  
19 that's not signed by a judge. Where in  
20 America -- I guess, maybe, Tunica County  
21 Sheriff's Office thinks you can do this,  
22 but in America you can't arrest somebody  
23 on a valid arrest warrant unless the judge  
24 signs the arrest warrant. There's no  
25 signature on there.

1           In fact, Capt. Jones testified to  
2           that. He said I didn't have an arrest  
3           warrant with me. That's why I didn't  
4           arrest him. If I had had the arrest  
5           warrant that day, I would arrest him. But  
6           this idea that there was an active arrest  
7           warrant, this is not true. An arrest  
8           warrant has to be signed by the judge.  
9           She knows that. So, for her to keep  
10          saying that, it's just false.

11          And, Your Honor, he certainly was  
12          suspended. In January or not -- in  
13          August, they -- in fact, they really  
14          hadn't authenticated that his license was  
15          suspended. The clerk can't establish his  
16          license was suspended. She does haven't  
17          power to suspend licenses. Only the  
18          Mississippi Department of Transportation  
19          can do that. The sheriff's office, he  
20          might can think he can do it, but he can't  
21          suspend drivers licenses.

22          So, they really haven't authenticated  
23          that Mr. Thompson's license was actually  
24          suspended. They certainly haven't given  
25          you the date that it was suspended. They

1 haven't done that. So, this idea that  
2 they kept seeing Mr. Thompson driving and  
3 they didn't want to embarrass him, they  
4 were trying to do him a favor, that -- if  
5 they wanted to do that, they would have  
6 arrested him. They would have pulled him  
7 over, arrested him if they wanted to  
8 embarrass him.

9 That's exactly what they did, Your  
10 Honor. That's what they did. They  
11 arrested him. If they wanted to do him a  
12 professional courtesy -- if they wanted  
13 to, you know, not embarrass Mr. Thompson,  
14 they could have told him. Capt. Jones  
15 could have said, Mr. Thompson, I think  
16 your license may be suspended. I called  
17 your license in and it came back  
18 suspended. The sheriff could have said I  
19 just talked to the clerk and your license  
20 was suspended and you shouldn't drive.

21 Instead, they tried to -- there is no  
22 dispute they tried to trick Mr. Thompson.  
23 They knew his license was suspended and  
24 they tried to get him to drive, so.

25 And she still has not established any

1           probable cause for that stop. I mean,  
2           under her argument, the prosecution -- I  
3           mean, the police, they have this invisible  
4           authority to pull over anybody anytime  
5           they want. I mean, we'd be China or  
6           Russia. I mean, there would be nothing to  
7           stop the police officers from just acting  
8           as the police did. Thankfully, we got the  
9           United States' Constitution for that.

10           THE COURT: Do you think that China  
11           would welcome all of us over there?

12           MR. COLOM: I didn't hear your  
13           question, Your Honor.

14           THE COURT: Do you think China would  
15           welcome all of us over there in this case?

16           MR. COLOM: Say that again. I can't  
17           hear. I'm sorry.

18           THE COURT: Do you think China or  
19           Russia would welcome us with this case?

20           MR. COLOM: would they? No, they'd  
21           kill Mr. Thompson. That's what they do in  
22           China. If you disagree with the person  
23           that charged you, they kill you. There's  
24           no due process. So, thankfully, we have  
25           due process.

1 But for the Fourth Amendment to mean  
2 something, judges have to stand up to law  
3 enforcement because, otherwise, law  
4 enforcement, they would just do whatever  
5 they want. The only person who can  
6 impartially enforce people's  
7 constitutional rights are judges. The  
8 only people that can do it. The only  
9 check the sheriff has on violating  
10 people's constitutional rights are judges  
11 and juries. Otherwise, the Fourth  
12 Amendment doesn't mean anything because  
13 it's -- nobody is going to enforce it.

14 THE COURT: Okay. Anything further,  
15 Ms. Turner?

16 MS. TURNER: Uh?

17 THE COURT: I'm going to give all --  
18 both of you get a chance to say whatever  
19 you want.

20 MS. TURNER: Well, Your Honor, I  
21 believe I've said everything I could. Do  
22 you need me to do -- research any case law  
23 to help you?

24 THE COURT: What was that?

25 MS. TURNER: Would you like for me to

1 look up any cases?

2 THE COURT: You think you can really  
3 do that in the next 30 minutes?

4 MS. TURNER: That's what I'm saying.  
5 I, you know, really didn't have time to  
6 prepare on that, but I can look.

7 THE COURT: All right. You know, the  
8 clerk and deputy clerk are looking at me  
9 like y'all should have been gone from up  
10 here a long time ago. But, anyway, I'm  
11 going to give you a chance and let's say  
12 -- how much time you think it would take  
13 you?

14 MS. TURNER: I'll look for the next 15  
15 minutes. If I don't see anything, I'll  
16 let you know.

17 THE COURT: What was that?

18 MS. TURNER: Fifteen minutes.

19 THE COURT: Fifteen, all right. Let's  
20 say -- actually, I expect that we'll have  
21 a ruling by 4:00. I expect it. You take  
22 the next 15 minutes and I'll consider what  
23 has already been given to me and the  
24 record. The court reporter, I may ask her  
25 some things from the record. So, I'd like



1 to have a ruling by 4:00. what time is it  
2 now?

3 MS. TURNER: It's 2:30.

4 THE COURT: Let's say by 3:30?

5 MS. TURNER: Yes, Your Honor.

6 THE COURT: All right. Let's say I'll  
7 be ready to make my ruling by 3:30.

8 MS. TURNER: Yes, Your Honor.

9 THE COURT: All right. Court will be  
10 in recess until 3:30.

11 (OFF THE RECORD.)

12 THE COURT: This matter is on appeal  
13 by Michael Thompson, driving with  
14 suspended license. The Court has  
15 considered the testimony and the facts  
16 surrounding the charges. After  
17 considering the testimony of the  
18 witnesses, the evidence presented and the  
19 case law cited by the attorneys, the Court  
20 finds that the charge of driving with a  
21 suspended license is dismissed. In other  
22 words, the Court finds in favor of  
23 Mr. Thompson.

24 MR. COLOM: Thank you, Your Honor. Do  
25 I need to prepare an order or do I need to

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have --

THE COURT: I have one. I have one.

MS. THOMPSON: The order has already  
been prepared.

MR. COLOM: Oh, it's been prepared.

THE COURT: It's been prepared, yes.

MR. COLOM: Thank you, Your Honor.

THE COURT: All right. Court will be  
adjourned.

(COURT ADJOURNED.)

COURT REPORTER'S CERTIFICATE

STATE OF MISSISSIPPI  
COUNTY OF HINDS

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